REMARKS

The Office Action of July 21, 2006 was received and reviewed. The Examiner is thanked for considering this application. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-15 are pending. Claims 1-3 have been withdrawn from consideration. By the above actions, claims 5 and 8 have been amended. Accordingly, claims 4-15 are pending for consideration, of which claims 4-10 are independent. In view of these actions and the following remarks, reconsideration of this application is now requested.

In the detailed Office Action, claims 4-15 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2 and 17-20 of co-pending U.S. Application No. 10/658,472. The Examiner stated that, although the conflicting claims are not identical, they are not patentably distinct from each other because both applications teach similar laser beam methods and apparatuses in which the laser beam is sampled, a signal is generated and the energy fluctuation of the laser beam is controlled. This rejection is respectfully traversed at least for the reason provided below.

Claims 1, 2, and 17-20 of co-pending application No. 10/658,472 recite "a light amount adjuster" or "an attenuator". According to the claimed invention of the co-pending application, the influence of the energy fluctuation of the laser beam is controlled by the light amount adjuster (i.e., the attenuator). In other words, the energy of the laser beam emitted is directly adjusted in the co-pending application. On the other hand, in the presently claimed application, "a light amount adjuster" or "an attenuator" is not claimed at all.

In contrast with the claimed invention of the co-pending application, Applicants respectfully submit that all of the pending claims of the present application recite "controlling a relative speed of a beam spot of the laser beam to an object (a semiconductor film)". That is, according to the presently claimed invention, the influence of the energy fluctuation of the laser beam is controlled by adjusting a relative speed of a beam spot of the laser beam to an object so as to be in phase with the fluctuation of the laser beam. In order to adjust the energy applied to the object, the energy emitted from the laser beam is not directly adjusted in the present application.

Again, Applicants respectfully submit that adjusting a laser beam by a light amount adjuster and adjusting a relative speed of a beam spot of the laser beam to an object are

different each other. Hence, Applicants' claimed invention as recited in claims 4-15 are not obvious in view of the claims of the co-pending application.

MPEP 804 (page 800-22 Aug. 2001 Edition) states the following:

Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined by the conflicting claims — a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

When considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art. This does not mean that one is precluded from all use of the patent disclosure.

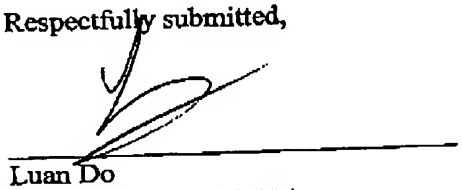
In view of the arguments set forth above, should the Examiner still maintain the obviousness double patenting rejection, Applicants would respectfully request the Examiner to provide support as to why one recognizes the claimed invention as obvious over that of the co-pending application.

Claims 7 and 8 have been amended, as shown above, to improve the claim language and to correct minor typographical errors.

In view of the amendments and arguments set forth above, Applicants respectfully requests reconsideration and withdrawal of the pending rejection.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby by expedited.

Respectfully submitted,



Luan Do
Registration No. 38,434

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000